



1 counsel does not assert that he could not have completed the  
2 Petition in time to file it on July 8, 2015, and indeed the  
3 Petition contains just a paragraph each concerning its four  
4 claims. Counsel also has not explained why Petitioner's family  
5 did not retain him until nearly the expiration of the limitation  
6 period, offering no evidence or argument that Petitioner acted  
7 diligently or that some extraordinary circumstance stood in his  
8 way.<sup>1</sup>

9 Accordingly, having reviewed de novo those portions of the  
10 R&R to which objections were filed, the Court accepts the  
11 findings and recommendations of the Magistrate Judge. IT IS  
12 ORDERED that the Petition is denied as untimely and Judgment be  
13 entered dismissing this action with prejudice.

14  
15 DATED: 10/26/15

  
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16 JOHN A. KRONSTADT  
17 U.S. DISTRICT JUDGE  
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26 <sup>1</sup> Counsel has not addressed the Magistrate Judge's  
27 observation (R&R at 6 n.1) that the Petition appears to be  
28 "mixed" – that is, some of its claims have not yet been exhausted  
in state court – and is likely subject to dismissal on that basis  
as well.